

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Larry Anthony White,)	
)	
Plaintiff,)	
)	Civil Action No. 9:22-cv-4638-BHH
v.)	
)	<u>ORDER</u>
Bryan Stirling, Charles Williams, Daniel)	
Harouff, Kenneth Myers, and South)	
Carolina Department of Corrections,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon Plaintiff Larry Anthony White's ("Plaintiff") pro se complaint filed pursuant to 42 U.S.C. § 1983. On April 18, 2023, Defendants filed a motion for summary judgment (ECF No. 20), and the matter was referred to a United States Magistrate Judge for preliminary determinations in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d), D.S.C.

After considering the parties' arguments and reviewing the evidence of record in light of the applicable law, the Magistrate Judge issued a report and recommendation ("Report") on September 13, 2023, recommending that the Court grant Defendants' motion for summary judgment. Specifically, in her Report, the Magistrate Judge found that Plaintiff did not exhaust his administrative remedies as to some of his claims and that Plaintiff failed to sustain a cognizable § 1983 claim. Attached to the Magistrate Judge's Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no party has filed objections to the Report, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and fully agrees with the Magistrate Judge’s thorough analysis. Accordingly, the Court hereby **adopts and incorporates** the Magistrate Judge’s Report (ECF No. 29), and for the specific reasons set forth in the Report, the Court **grants** Defendants’ motion for summary judgment (ECF No. 20).

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

October 4, 2023
Charleston, South Carolina